

26. 04. 2024

BP
Sl. 5
Court No. 23

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 9272 of 2024

Nandlal Das
Vs.
The State of West Bengal & Ors.

Mr. Bikash Shaw
..for the petitioner

Ms. Anamika Pandey
Mr. Ghanashyam Pandey
..for the respondent no.5

Mr. Jayanta Samanta
Ms. Indumouli Banerjee
..for the State

The petitioner has taken necessary instructions
in the matter as directed by order dated 15th April, 2024.

It is submitted on behalf of the petitioner that
the appeal preferred by the respondent no.5 challenging
the order of the Controlling Authority under the Payment
of Gratuity Act, 1972 (hereinafter referred to as 1972
Act) has been dismissed on 9th April, 2024. A copy of the
order dated 9th April, 2024 placed before the Court is
taken on record.

It is further submitted by the petitioner that
after dismissal of the appeal the respondent no.5 is
obliged to make payment of the gratuity amount with

interest for the delay in making payment of the same to the petitioner. A certificate case has already been initiated. The Certificate Officer should, therefore, be directed to dispose of the certificate case being Certificate Case No. 03 of 2023 pending before the respondent no.4 at the earliest.

On behalf of the State it is submitted that the Certificate Officer is willing to proceed and dispose of the certificate case at the earliest but should be given sufficient time due to the ongoing General Election.

On behalf of the respondent no.5 it is submitted that a review application seeking review of the order dated 9th April, 2024 has been filed on 22nd April, 2024. A copy of the said review petition with the receipt endorsement from the receiving clerk of Deputy Labour Commissioner, Chandannagar, Hooghly is made over to the Court and is taken on record. It is also submitted by the respondent no.5 that unless the review application is disposed of the certificate should not be proceeded.

On behalf of the petitioner in reply it is submitted that the review is not maintainable. The review has been filed only to delay proceeding and defeat the claim of the petitioner, if possible.

After hearing the parties and considering the materials before the Court, it is apparent that a review

application has been filed before the Appellate Authority under the 1972 Act. The review has to be brought to a logical conclusion. In the aforesaid facts and circumstances, the Appellate Authority, under the 1972 Act, at Chandannagar, Hooghly is directed to dispose of the review application at the earliest but not beyond 31st July, 2024. Depending the fate of the review application, the certificate case will proceed. In the event the review application is rejected, the Certificate Officer shall immediately upon being communicated about the rejection of the review proceed with the certificate case. In the event, the review application is allowed, the certificate case will proceed in terms of the result of the review application.

Nothing further remains to be adjudicated. The writ petition is accordingly disposed of.

Since I have not called for affidavit, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)